

DOUGLAS J. CLARK, State Bar No. 171499  
DANIEL W. TURBOW, State Bar No. 175015  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
Telephone: (650) 493-9300  
Facsimile: (650) 565-5100  
Email: [dturbow@wsgr.com](mailto:dturbow@wsgr.com)

Attorneys for Nominal Defendant  
Applied Micro Circuits Corporation

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

LEON S. SEGEN, derivatively on behalf of  
APPLIED MICRO CIRCUITS  
CORPORATION, INC.,

Plaintiff

v.

DAVID M. RICKEY, WILLIAM E. BENDUSH,  
and APPLIED MICRO CIRCUITS  
CORPORATION,

Defendants.

CASE NO.: C 07-2917 MJJ

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING DEADLINE  
TO FILE DEFENDANTS'  
RESPONSES TO COMPLAINT AND  
RELATED SCHEDULING  
MATTERS**

DATE: September 11, 2007  
TIME: 2:00 p.m.

JUDGE: Honorable Martin J. Jenkins

1 WHEREAS plaintiff filed his complaint on June 5, 2007 in this action;

2 WHEREAS the Court issued an order dated June 5, 2007 setting the initial case  
3 management conference and ADR deadlines;

4 WHEREAS defendants' responses to the complaint are currently due on August 13,  
5 2007;

6 WHEREAS defendants' counsel has requested a brief, two week extension of the  
7 deadline to file their responses to the complaint due to scheduling conflicts;

8 WHEREAS defendants anticipate filing motions to dismiss the complaint;

9 WHEREAS counsel have also conferred about the timing of the initial Case Management  
10 Conference currently scheduled in this action for September 11, 2007, and agree that to conserve  
11 party and judicial resources, the initial Case Management Conference should be continued to  
12 coincide with the hearing date for the anticipated motions in response to the complaint;

13 WHEREAS, the requests set forth herein are in compliance with the deadlines set forth in  
14 Local Rule 7-3(c).

15 NOW THEREFORE, the parties stipulate and agree, by and through their counsel of  
16 record in this action and subject to the approval of the Court, to the following modifications to  
17 the current deadlines and hearing dates in this action:

18 1. The deadline for defendants to respond to the complaint is extended to and  
19 including August 28, 2007.

20 2. If motions to dismiss the complaint are filed, the parties propose the following  
21 schedule:

22 (a) Plaintiff's opposition would be due on October 12, 2007;

23 (b) Defendants' reply papers would be due November 9, 2007; and

24 (c) The hearing on defendants' motions to dismiss shall take place at 9:30 a.m. on  
25 November 27, 2007.

26 3. The Initial Case Management Conference in this action should be continued from  
27 September 11, 2007 to November 27, 2007, to take place immediately after the hearing on the  
28

1 motions to dismiss or if no motions are filed, to be heard at 2:30 p.m. at the Court's regularly  
2 scheduled time for Case Management Conferences.

3  
4 Dated: August 3, 2007

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

5  
6  
7 By: /s/ Daniel W. Turbow  
Daniel W. Turbow

8 Attorneys for Nominal Defendant  
9 Applied Micro Circuits Corporation

10 Dated: August 3, 2007

SCHUBERT & REED LLP  
ROBERT C. SCHUBERT  
WILLEM F. JONCKHEER  
Three Embarcadero Center, Suite 1650  
San Francisco, CA 94111  
Telephone: (415) 788-4220  
Facsimile: (415) 788-0161

11  
12  
13  
14  
15 By: /s/ Willem F. Jonckheer  
Willem F. Jonckheer

16 Counsel for Plaintiff Leon S. Segen

17 -and-

18 BRAGAR WEXLER & EAGEL, P.C.  
19 PAUL D. WEXLER  
885 Third Avenue  
New York, NY 10022  
20 Telephone: (212) 308-5858

21 -and-

22 OSTRAGER CHONG FLAHERTY &  
23 BROITMAN P.C.  
GLENN F. OSTRAGER  
570 Lexington Avenue  
New York, NY 10022  
24 Telephone: (212) 681-0600

25 ///

1 Dated: August 3, 2007

MORRISON & FOERSTER, LLP  
JAMES J. BROSNAHAN  
D. ANTHONY RODRIGUEZ  
425 Market Street  
San Francisco, CA 94105-2842  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

6 By: /s/ D. Anthony Rodriguez  
D. Anthony Rodriguez

7 Attorneys for Defendant David M. Rickey

8 Dated: August 3, 2007

McKENNA LONG & ALDRIDGE LLP  
CHRISTIAN D. HUMPHREYS  
TIMOTHY A. HORTON  
750 B Street, Suite 3300  
San Diego, CA 92101  
Telephone: (619) 595-5400  
Facsimile: (619) 595-5450

13 By: /s/ Timothy A. Horton  
Timothy A. Horton

14 Attorneys for Defendant William E. Bendush

16 **ORDER**

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18  
19 Dated: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge

1 I, Daniel W. Turbow, am the ECF User whose identification and password are being used  
2 to file this Stipulation and [Proposed] Order Continuing Deadline to File Defendants' Responses  
3 to Complaint and Related Scheduling Matters. In compliance with General Order 45.X.B, I  
4 hereby attest that Willem F. Jonckheer, D. Anthony Rodriguez, and Timothy A. Horton have  
5 concurred in this filing.

6 Dated: August 3, 2007

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

7  
8 By: /s/ Daniel W. Turbow  
9 Daniel W. Turbow  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I, Franchette Garcia, declare:

I am employed in Santa Clara County, State of California. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

On this date, I served:

**1. STIPULATION AND [PROPOSED] ORDER CONTINUING DEADLINE TO FILE DEFENDANTS' RESPONSES TO COMPLAINT AND RELATED SCHEDULING MATTERS**

☒ By placing the document(s) in a sealed envelope for collection and mailing with the United States Postal Service on this date to the following person(s):

**SEE ATTACHED SERVICE LIST**

☐ By consigning the document(s) to an express mail service for guaranteed next day delivery to the following person(s):

☐ By consigning the document(s) to a messenger for guaranteed hand delivery on this date to the following person(s):

☐ By consigning the document(s) to a facsimile operator for transmittal on this date to the following person(s):

☐ By forwarding the document(s) by electronic transmission on this date, in compliance with Civil L.R. 23-2, to the Designated Internet Site(s) listed below:

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of documents for delivery according to instructions indicated above. In the ordinary course of business, documents would be handled accordingly.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at Palo Alto, California on August 3, 2007.

/s/ Franchette Garcia  
Franchette Garcia

**SERVICE LIST**

\* Robert C. Schubert, Esq.  
 \* Willem F. Jonckheer, Esq.  
 Schubert & Reed LLP  
 Three Embarcadero Center, Suite 1650  
 San Francisco, CA 94111  
 Telephone: (415) 788-4220  
 Facsimile: (415) 788-0161  
 Email: [rschubert@schubert-reed.com](mailto:rschubert@schubert-reed.com)  
 Email: [wjonckheer@schubert-reed.com](mailto:wjonckheer@schubert-reed.com)

representing

**Leon S. Segen**  
(Plaintiff)

\* Glenn F. Ostrager, Esq.  
 Ostrager Chong Flaherty & Broitman P.C.  
 570 Lexington Avenue  
 New York, NY 10022  
 Telephone: (212) 681-0600  
 Facsimile: (212) 681-0300  
 Email: [gostrager@ocfblaw.com](mailto:gostrager@ocfblaw.com)

representing

**Leon S. Segen**  
(Plaintiff)

\* Paul D. Wexler, Esq.  
 Bragar Wexler & Eagel, P.C.  
 885 Third Avenue  
 New York, NY 10022  
 Telephone: (212) 308-5858  
 Facsimile: (212) 486-0462  
 Email: [wexler@bragarwexler.com](mailto:wexler@bragarwexler.com)

representing

**Leon S. Segen**  
(Plaintiff)

James J. Brosnahan, Esq.  
 D. Anthony Rodriguez, Esq.  
 Morrison & Foerster LLP  
 425 Market Street  
 San Francisco, CA 94105  
 Telephone: (415) 268-7000  
 Facsimile: (415) 268-7522  
 Email: [jbrosnahan@mofo.com](mailto:jbrosnahan@mofo.com)  
 Email: [drodriguez@mofo.com](mailto:drodriguez@mofo.com)

representing

**David M. Rickey**  
(Defendant)

Christian D. Humphreys, Esq.  
 Timothy A. Horton, Esq.  
 McKenna Long & Aldridge LLP  
 750 B Street, Suite 3300  
 San Diego, CA 92101  
 Telephone: (619) 595-5400  
 Facsimile: (619) 595-5450  
 Email: [chumphreys@mckennalong.com](mailto:chumphreys@mckennalong.com)  
 Email: [thorton@mckennalong.com](mailto:thorton@mckennalong.com)

representing

**William E. Bendush**  
(Defendant)

\* Denotes service via Electronic Case Filing system.